

## REMARKS

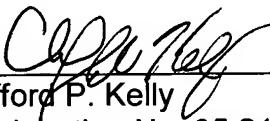
Upon entry of this amendment, independent claim 1 with dependent claims 2-6 and 8-20, and independent claim 21 will be present in the application.

The limitations of claim 5 have been written in independent form as new claims 21. Such claim does not introduce new matter.

Claims 1-3, 5, 6, 8, 9, 11, 15, 18, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 5,258,791 (Penney et al.). Claims 1, 2, 4, 5, 7-13, 16, 18, and 20 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 4,671,631 (Sigelman).

The Applicant respectfully submits that neither the Penney reference or the Sigelman reference are properly analogous art with respect to the operation microscope of the subject application. The device of the Penney reference is a refractometer for measuring the refractive properties of eyes. A refractometer does not serve for the observation of eyes in an enlarged stereoscopic manner. Refractometers do not have an observation beam path for displaying the structures of the eye, and are therefore not suited for use as an operation microscope. While the slit illumination provided by the subject operation microscope suppresses scattered light to optimize observation of the structures of the eye, the slit illumination of the Penney device provides for subjectively or objectively comparing the positions of light points and rings. The apparatus of the Sigelman reference provides two observation beam paths and a single illumination beam path, as opposed to the single beam path and single illumination path of the subject microscope. In Sigelman, the illumination optics may be shifted with respect to the observation beam paths and the observation beam paths may be shifted with respect to each other. In the subject microscope, the illumination optics are aligned in a fixed manner with respect to the observation beam path and the observation beam components are aligned in a fixed manner. Accordingly, the Applicant respectfully submits that neither the Penney reference nor the Sigelman reference are properly analogous art with respect to the present invention.

Respectfully submitted,  
Jochen Koetke

By   
Clifford P. Kelly  
Registration No. 35,213  
Alix, Yale & Ristas, LLP  
Attorney for Applicant

750 Main Street  
Hartford, CT 06103-2721  
(860) 527-9211  
March 14, 2006  
Our Ref: GMH/411/US  
CPK/io